

Regular Meeting

Agenda Item #	2
Meeting Date	October 22, 2007
Prepared By	Barbara B. Matthews City Manager
Approved By	

Discussion Item	First Reading Ordinance Reaffirming and Strengthening The City of Takoma Park's Immigration Sanctuary Law
Background	<p>In 1985, the Takoma Park City Council passed the City of Refuge Ordinance, which prohibits City employees, including police officers, from cooperating with federal immigration authorities in the enforcement of civil and criminal immigration laws and prohibits City employees from requesting or disclosing information regarding the immigration status of individuals.</p> <p>At the October 15 worksession, the City Council discussed a proposed amendment to the Ordinance brought forward by Chief Ricucci that would have permitted Takoma Park police officers narrow authority to make immigration related arrests of previously convicted and deported felons. The Council heard testimony from Chief Ricucci, from representatives of CASA de Maryland, and members of the Takoma Park community. At the conclusion of the discussion, the Council directed the City Attorney to draft language for an amendment to the City Code to reaffirm and strengthen the law. The Council decided to continue to prohibit the Takoma Park police from making any immigration related arrests.</p> <p>The amendment strengthens the immigration sanctuary law to prohibit discrimination based on citizenship status and prohibits release of information about residency and citizenship to third parties. In addition, the amendment updates the law to reflect the current name of the federal immigration enforcement agency.</p>
Policy	The City of Takoma Park believes that all persons should be treated equally, regardless of their citizenship or immigration status.
Fiscal Impact	N/A
Attachments	Draft First Reading Ordinance Reaffirming and Strengthening The City of Takoma Park's Immigration Sanctuary Law
Recommendation	Consider and accept ordinance at first reading.
Special Consideration	

Introduced by:

Drafted by: Kenneth Sigman

Draft date: October 18, 2007

First Reading: October 22, 2007

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2007-

AN ORDINANCE REAFFIRMING AND STRENGTHENING THE CITY OF TAKOMA PARK'S IMMIGRATION SANCTUARY LAW

WHEREAS, Takoma Park has a long and strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their race, ethnicity, national origin, or immigration status; and

WHEREAS, in 1985, as an expression of these values, the Takoma Park City Council passed the City of Refuge Ordinance, which prohibits City employees, including police officers, from cooperating with federal immigration authorities in the enforcement of civil and criminal immigration laws and prohibits City employees from requesting or disclosing information regarding the immigration status of individuals; and

WHEREAS, there still exist crises of gross human rights violations in many of the home countries of immigrants in Takoma Park; and United States trade policies, including free trade agreements, as well as service to debt incurred during decades of lending to governments known to have waged war on private citizenry, have resulted in severe economic conditions forcing millions to leave their countries to feed their families; and

WHEREAS, Takoma Park is comprised of racially and ethnically diverse individuals, both native born and immigrants, whose collective cultures, backgrounds, and viewpoints join to form a rich community which prides itself on welcoming persons and families of all backgrounds and nationalities; and

WHEREAS, enforcement of immigration laws by the Takoma Park Police Department will discourage immigrant residents from reporting crimes and suspicious activity and cooperating with criminal investigations; and

WHEREAS, Takoma Park is opposed to racial profiling, and granting local police officers the authority to enforce immigration laws may lead to racial profiling; and

WHEREAS, as a matter of public safety, the protection of an individual's citizenship and immigrant status will engender trust and cooperation between law enforcement officials and immigrant communities to aid in crime prevention and solving, and will discourage the threat of immigrant and racial profiling and harassment; and

WHEREAS, most immigrants in Takoma Park are law abiding residents and are themselves often the victims of crime; and

WHEREAS, the Takoma Park Police Department has made it a priority to gain the trust and confidence of the entire community as part of its community policing program; and

WHEREAS, cooperation with or a perception of cooperation with the Federal Bureau of Immigration and Customs Enforcement (ICE) creates a loss of trust and confidence of the immigrant community in the Takoma Park Police; and

WHEREAS, loss of cooperation with the immigrant community threatens the health, safety, and welfare of the entire Takoma Park community; and

WHEREAS, Takoma Park believes that there is no inherent conflict between national security and the preservation of liberty and that government can protect public safety without impairing civil rights and liberties; and

WHEREAS, the due process and equal protection clauses of the 5th and 14th Amendments to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and,

WHEREAS, federal immigration policy requires comprehensive reform and neither Maryland nor federal law requires any city to enforce federal immigration laws; and

WHEREAS, many jurisdictions throughout the United States are undertaking the enforcement of federal immigration laws and adopting other policies that discriminate against immigrants; and

WHEREAS, recent federal immigration raids in the region have caused fear throughout the immigrant community, including immigrants who reside within the City of Takoma Park; and

WHEREAS, the City of Takoma Park continues to believe that all persons should be treated equally, without regard to their immigration status, and reaffirms its status as one of over 70 cities, counties and states that have enacted “Sanctuary Laws” prohibiting governmental agencies from inquiring about immigration status and unilaterally enforcing immigration law provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. Title 9, Civil Liberties and Human Relations, Chapter 4, Rights of Non-U.S. Citizens in Takoma Park, of the *Takoma Park Code* (2004 edition) is amended as follows:

9.04.010 No City enforcement of immigration laws.

A. No agent, officer or employee of the City, in the performance of official duties, shall assist ~~or cooperate with the~~ the United States Bureau of Immigration and Naturalization Service

~~of the United States~~Customs Enforcement in the investigation or arrest of any persons for civil or criminal violation of the immigration and nationality laws of the United States.

B. Except for subsection (A) of this section, this chapter does not prohibit the Takoma Park Police Department from carrying out its mandated duty to apprehend violators of the criminal law, ~~nor and does it not~~ prohibit police contact with any federal agency other than the Bureau of Immigration and Naturalization ServiceCustoms Enforcement in connection with criminal or suspected criminal activity.

9.04.020 No inquiries into citizenship.

No agent, officer or employee of the City, in the performance of official duties, shall ~~make ask~~ any ~~inquiry~~person about ~~his or her~~ citizenship or residency status ~~or for inquire about any person seeking to enforce rights or obtain benefits or discriminate in the enforcement of rights or the granting of benefits on such bases, unless Federal or Maryland law so requires for the determination of eligibility of benefits. The City administers no program which requires such inquiry.~~

~~9.04.030 No release~~person's citizenship or residency status with any third person.

9.04.030 Discrimination based on citizenship prohibited.

No agent, officer or employee of the City, in the performance of official duties, shall discriminate against any person on the basis of citizenship or immigration status.

9.04.040 Confidentiality of information about citizenship status.

No agent, officer or employee of the City, in the performance of official duties, shall release to ~~the Immigration and Naturalization Service~~ any information regarding the citizenship or ~~residency~~immigration status of any ~~City resident~~individual to any third party.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 2007, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by underlining.
Deletions to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

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